

of a fiscal year, members of boards of control during the preceding fiscal year shall constitute planning boards for the respective service areas to be established the ensuing July 1. Each planning board shall have the authority to establish the location or locations of the office or offices of its regional educational service agency effective the ensuing July 1, to issue contracts with a director and other agency staff to be employed effective the ensuing fiscal year, to assess the needs of all potential member local school systems, to prepare operational plans and budgets for the ensuing fiscal year, to establish the manner by which the local share of the budget will be assessed to potential member local school systems, and to make any other such decisions that the state board deems necessary for an orderly transition of service areas for regional educational service agencies. Such decisions shall be adopted by these planning boards prior to December 15 of the fiscal year preceding the effective date for reorganization of the service areas. Any such planning board shall be authorized to amend, prior to April 15 of that fiscal year, any such decisions which are necessary as the result of the actions of the General Assembly during its regular session during that fiscal year.

HISTORY: Code 1981, § 20-2-272, enacted by Ga. L. 1985, p. 1657, § 1; Ga. L. 1987, p. 1169, § 1; Ga. L. 1995, p. 1340, § 2; Ga. L. 1996, p. 1062, § 1; Ga. L. 2000, p. 618, § 47.

NOTES:

EDITOR'S NOTES. --Ga. L. 2000, p. 618, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'A Plus Education Reform Act of 2000.'"

OPINIONS OF THE ATTORNEY GENERAL

EDITOR'S NOTES. --Some of the decisions cited below were decided under Ga. L. 1974, pp. 1045 and 1066.

COOPERATIVE (NOW REGIONAL) EDUCATIONAL SERVICE AGENCIES are not county or independent boards of education. Rather they are service agencies designed to provide educational and support services and programs to a combined group of local school systems. 1981 Op. Att'y Gen. No. 81-52 (decided under Ga. L. 1974, pp. 1045 and 1066).

- ◆ [Title Note](#)
- ◆ [Chapter Note](#)
- ◆ [Article Note](#)

Source: [Legal](#) > [States Legal - U.S.](#) > [Georgia](#) > [Statutes & Regulations](#) > [GA - Official Code of Georgia Annotated](#) 

TOC: [Official Code of Georgia Annotated](#) > [/.../](#) > [PART 11. REGIONAL EDUCATIONAL SERVICE AGENCIES](#)
> [§ 20-2-272. Agency board of control; membership; powers and duties; planning boards](#)

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O.C.G.A. § 20-2-273

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*** Current Through the 2005 Special Session ***
*** Annotations Current Through January 23, 2006 ***

TITLE 20. EDUCATION
CHAPTER 2. ELEMENTARY AND SECONDARY EDUCATION
ARTICLE 6. QUALITY BASIC EDUCATION
PART 11. REGIONAL EDUCATIONAL SERVICE AGENCIES

◆ [GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)

O.C.G.A. § 20-2-273 (2006)

§ 20-2-273. Agency directors and staff

(a) Each board of control shall appoint and contract with a director who shall be the executive officer of the regional educational service agency. The director shall be responsible for the administration of programs and services approved by the board of control, including the Georgia Learning Resources System, except for those under contract with a local board of education serving as fiscal agents for the Georgia Learning Resources System.

(b) The regional educational service agency staff shall consist of those individuals authorized by the board of control to provide the instructional and support services prescribed in this part.

HISTORY: Code 1981, § 20-2-273, enacted by Ga. L. 1985, p. 1657, § 1; Ga. L. 1987, p. 1169, § 1; Ga. L. 1995, p. 1340, § 2; Ga. L. 1996, p. 1062, § 1; Ga. L. 2000, p. 618, § 48.

NOTES:

CODE COMMISSION NOTES. --Pursuant to [Code Section 28-9-5](#), in 1995, "agents" was substituted for "agent" in subsection (a).

EDITOR'S NOTES. --Ga. L. 2000, p. 618, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'A Plus Education Reform Act of 2000.'"

- ◆ [Title Note](#)
- ◆ [Chapter Note](#)
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[§ 20-2-274. Uniform state-wide needs program and documented local needs program grants](#)

O.C.G.A. § 20-2-274

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*** Current Through the 2005 Special Session ***
*** Annotations Current Through January 23, 2006 ***

TITLE 20. EDUCATION
CHAPTER 2. ELEMENTARY AND SECONDARY EDUCATION
ARTICLE 6. QUALITY BASIC EDUCATION
PART 11. REGIONAL EDUCATIONAL SERVICE AGENCIES

◆ [GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)

O.C.G.A. § 20-2-274 (2006)

§ 20-2-274. Uniform state-wide needs program and documented local needs program grants

(a) The state board shall be authorized to provide each regional educational service agency with a uniform state-wide needs program grant and a documented local needs program grant, subject to appropriation by the General Assembly. The uniform state-wide needs program grant shall consist of two components: the same fixed amount for each regional educational service agency; and an amount which reflects the number of local school systems, the number of schools, the number of students, and the number of square miles contained collectively within its member local school systems. Each regional educational service agency shall be required to match the uniform state-wide needs program grant with an amount of funds equal to one-fourth of this grant. The uniform state-wide needs grant and its matching local funds shall be used to finance the basic administrative overhead of the regional educational service agencies and to provide the areas of assistance specified in [Code Sections 20-2-270.1](#) and [20-2-271](#). The amount of funds granted to each regional educational service agency for the documented local needs program grant shall depend upon the proportion that the number of local school systems, number of schools, number of students, and number of square miles contained collectively within its member local school systems are of these respective factors state wide, as well as the adopted operational plan and the budget designed to address documented needs for assistance to member local school systems. Each regional educational service agency shall be required to match the documented local needs program grant with an amount of funds equal to two-thirds of that grant. The state board shall provide grants to regional educational service agencies for Georgia Learning Resources Systems or to a local school system contracted to be a fiscal agent for a Georgia Learning Resources System. Each board of control shall be authorized to adopt the manner by which each member local school system shall be assessed its share of the uniform state-wide needs program and the documented local needs program; provided, however, that member local school systems shall not be allowed to use funds received under the provisions of this article for this purpose. The state board shall grant the regional educational service agency the funds needed to provide services to all local school systems in the service area of the Georgia Learning Resources System designated as the fiscal agent or to any local school system contracted to serve as the fiscal agent for a Georgia Learning Resource System as well as the grants authorized previously by this subsection. All other

financing will be based on contracts to supply service programs to member local school systems. The funds for these programs, upon a contract approval basis, may be derived from local, state, federal, or private sources.

(b) A regional educational service agency may not receive directly from the State Board of Education any state funds originally intended for or directed to a local school system by this article; provided, however, that, upon the official request of a local school system, the state board may send directly to a regional educational service agency any funds allocated to a local school system. All grants from the state along with the contributions from member local school systems and funds from other sources shall be budgeted by the board of control other than those designated to local systems designated as fiscal agents for a Georgia Learning Resource System through contract with the State Board of Education.

HISTORY: Code 1981, § 20-2-274, enacted by Ga. L. 1985, p. 1657, § 1; Ga. L. 1987, p. 1169, § 1; Ga. L. 1988, p. 612, § 13; Ga. L. 1995, p. 1340, § 2; Ga. L. 1996, p. 1062, § 1; Ga. L. 2000, p. 618, § 49.

NOTES:

CODE COMMISSION NOTES. --Pursuant to Code Section 28-9-5, in 1995, "agents" was substituted for "agent" in subsection (b).

EDITOR'S NOTES. --Ga. L. 2000, p. 618, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'A Plus Education Reform Act of 2000.'"

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> [§ 20-2-274. Uniform state-wide needs program and documented local needs program grants](#)

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METRO RESA BOARD OF CONTROL - EFFECTIVE JULY 1, 2005**ATLANTA CITY SCHOOLS**

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130 Trinity Avenue, S.W.
Atlanta 30303
Sec.: Linda Simpson
404/802-2820

BUFORD CITY SCHOOLS

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70 Wiley Dr., Ste. 200
Buford 30518-2564
Sec.: Amy Reed
770/945-5035

CLAYTON COUNTY PUBLIC SCHOOLS

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Sec.: Brenda Benefield
770/473-2712

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Secretary: Delise Hopson
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ATLANTA TECHNICAL COLLEGE

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Sec.: Myma Turner
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CHATTAHOOCHEE TECHN. COLLEGE

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CLAYTON COUNTY LIBRARY SYSTEM

Mrs. Carol J. Stewart
Director, Library Services
Clayton County Library System
865 Balle Creek Rd.
Jonesboro 30236
770/473-3850

ENCLOSURE 3
Metro RESA Funding Sources

State RESA budget: \$894,074

Local Dues/System Share: \$224,240

Other Revenue from Services: \$198,608



Metropolitan Atlanta Educational Service Agency

1870 Teasley Drive, SE, Smyrna, Georgia 30080-2474
Telephone (404) 352-2697 Fax (404) 352-2474
Web Site: <http://www.mesa.org>

August 20, 2002

Mr. Rocco Ameduri
Program Integrity Associate
Schools & Libraries Division
Universal Service Administrative Company
P. O. Box 125 - Correspondence Division
80 South Jefferson Road
Whippany, NJ 07981

Dear Mr. Ameduri:

This is in reference to the attached letter you received from Milton Levy dated June 10, 2002, which he assigned Joy Jackson as the direct contact person for any matters pertaining to the SLD and e-Rate applications and requests. This is to indicate that the referenced letter should be disregarded and any future contact be directed to me.

If you should have any questions please contact me at 404.352-2697 extension 249. Also, please note that our address changed in March 2002, to 1870 Teasley Dr., SE, Smyrna, Georgia 30080-2474.

Sincerely,

Bobby N. Stephens
Interim Executive Director

BNS:ec

Attachment

May 25, 2006

VIA FEDERAL EXPRESS DELIVERY

William McGowan
Silver McGowan Silver
1612 K St., N.W., Suite 1204
Washington, DC 20006

Dear Mr. McGowan:

In response to your request, and as Counsel to MetroRESA, enclosed is a CD containing electronic copies of the Commitment Adjustment Letters and Explanation Letter to MetroRESA dated April 11, 2005 and originally sent to MetroRESA at that time. The Explanation Letter relates to the Funding Commitment Decision Letters which denied MetroRESA's pending funding requests as well as the Commitment Adjustment Letters.

USAC's records indicate that the Commitment Adjustment Letters and a number of other documents related to Schools and Libraries program decisions were delivered via Federal Express Delivery (Fedex) to the attention of Ed Kramer, Metro RESA, 1870 Teasly Dr., SE, Smyrna, GA 30080. The Fedex receipt indicates that the package was for signed for by "J. Chaney" on April 13, 2005. The address on the Commitment Adjustment Letters is 2268 Adams Dr., N.W., Atlanta GA 30318 because that contact address is associated with the original funding requests. Fedex initially attempted to deliver the box of documents at that address on April 12, 2005, but the box was actually delivered to the Smyrna address on April 13, 2005.

Please feel free to call me at (202) 263-1603 if you have any questions about the enclosed documents, or if we may be of further assistance.

Sincerely,



Kristy L. Carroll
Associate General Counsel

Enclosed: CD

AFFIDAVIT

STATE OF GEORGIA

COUNTY OF Spicer

KNOW ALL MEN BY THESE PRESENTS:

I, Bobby Stephens, first being duly sworn, depose and stated:

1. That he was the Acting Executive Director of Metro RESA from on or about July 1, 2002 to on or about February 1, 2003.

2. That he has been engaged as a consultant with Metro RESA since February 2003 and during that period continued to serve as Metro RESA point of contact regarding E-rate matters.

3. That to the best of his knowledge and belief, any and all documents regarding USAC, SLD or E-Rate matters has been immediately brought to his attention upon receipt by Metro RESA.

4. That no documents relating to 1998 E-rate funding were brought to his attention in 2005 and, in his discussions with Metro RESA employees, the employees indicated that, to the best of their knowledge and belief, no such documents were received at Metro RESA.

5. That documents relating to 1999 E-rate funding were received by Metro RESA in April 2005 and immediately brought to his attention.

6. That Metro RESA received, on or about May 1, 2006, certain documents, including Demand Payment Letters, dated April 25, 2006, relating to 1998 E-rate funding. These documents were immediately brought to his attention and he immediately forwarded those documents to William J. McGowan, an attorney representing Metro RESA.

EXECUTED as of this 28th day of July, 2006.


BOBBY STEPHENS

STATE OF GEORGIA

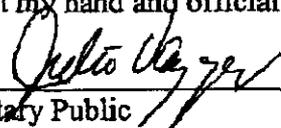
COUNTY OF Spicer

I HEREBY CERTIFY that on this 28th day of July, 2006, before me, a Notary Public of the State of Georgia, personally appeared Bobby Stephens, satisfactorily proven to be the person whose name is subscribed on the within instrument, and who acknowledged that he executed the same for the purposes therein contained and that the matters stated therein are true and correct to the best of his knowledge and belief.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: _____

Notary Public



JALED VASQUEZ
Notary Public, Buffalo County, Georgia
My Commission Expires June 18, 2008

Statement of

THOMAS D. BENNETT

ASSISTANT INSPECTOR GENERAL FOR USF OVERSIGHT

FEDERAL COMMUNICATIONS COMMISSION

Before the

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

of the

COMMITTEE ON ENERGY AND COMMERCE

UNITED STATES HOUSE OF REPRESENTATIVES

On

Problems with the E-rate Program: GAO Review of FCC Management and Oversight

March 16, 2005

Executive Summary

- The FCC Office of Inspector General has devoted considerable resources to oversight of the USF, and the E-rate program in particular.
- OIG involvement in E-rate audits and investigations has highlighted numerous concerns with this program. These include general programmatic and management concerns as well as specific concerns related to program design. General concerns include:
 - lack of clarity regarding program rules, and; lack of timely and effective resolution of audit findings.

Specific concerns regarding program design include;

- weaknesses in program competitive procurement requirements; ineffective use of purchased goods and services; over-reliance on certifications; weaknesses in technology planning; and issues relating to discount calculation and payment.
- OIG is working with USAC to select a public accounting firm to conduct a large number of USF beneficiary audits, including audits of E-rate beneficiaries. The objectives of the audits are to: (1) detect and deter waste, fraud, and abuse by beneficiaries, (2) generate insights about the beneficiary compliance and (4) identify areas for improvement. An additional objective is to identify improper payments as defined by the Office of Management and Budget to estimate error rates for the Improper Payments Improvement Act of 2002 (IPIA).

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to come before you today to discuss oversight of the Universal Service Fund (USF) program and more specifically the E-rate program. My name is Tom Bennett and I am the Assistant Inspector General for USF Oversight with the FCC Office of Inspector General (OIG). This is the third time that the FCC OIG has testified before the subcommittee on oversight of the Universal Service Fund (USF) program. In my testimony, I will briefly summarize OIG involvement in USF oversight, discuss concerns that the OIG has regarding the program, and provide an update on OIG oversight activities.

OIG Oversight of the Universal Service Fund (USF)

The FCC OIG first looked at the USF in 1999 as part of our audit of the Commission's FY 1999 financial statement. During that audit, we questioned the Commission regarding the nature of the USF and, specifically, whether it was subject to the statutory and regulatory requirements for federal funds. Starting with that inquiry, the Office of Inspector General has continued to devote considerable resources to oversight of the USF.

Due to materiality and our assessment of audit risk, we have focused much of our attention on the USF mechanism for funding telecommunications and information services for schools and libraries, also known as the "Schools and Libraries Program" or the "E-rate" program. Applications for E-rate funding have increased from 30,675 in funding year 1998 to 43,050 for the current funding year. Applications have been

received from schools and libraries in each of the 50 states, the District of Columbia, and most territories and included 15,255 different service providers. Requested funding has increased from \$2,402,291,079 in funding year 1998 to \$4,538,275,093 for the current funding year.

OIG Oversight

During FY 2001, we worked with Commission staff as well as with the Defense Contract Audit Agency (DCAA) and the Universal Service Administrative Company (USAC), to design an audit program that would provide the Commission with programmatic insight into compliance with rules and requirements on the part of E-rate program beneficiaries and service providers. Our program was designed around two corollary and complementary efforts. First, we would conduct reviews on a statistical sample of beneficiaries large enough to allow us to derive inferences regarding beneficiary compliance at the program level. Second, we would establish a process for vigorously investigating allegations of fraud, waste, and abuse in the program.

Several obstacles have impeded our ability to implement effective, independent oversight of the program. The primary obstacle has been a lack of adequate resources to conduct audits and provide audit support to investigations. Despite limited resources, the OIG has implemented an aggressive independent oversight program. My oversight program includes: (1) audits conducted using internal resources; (2) audits conducted by other federal Offices of Inspector General under reimbursable agreements; (3) review of audit work conducted by USAC; and (4) active participation in federal investigations of E-rate

fraud.

One-hundred and thirty five (135) audits have been completed by the OIG, USAC internal auditors, or USAC contract auditors in which the auditors have reached a conclusion about beneficiary compliance. Of the 135 audits, auditors determined that beneficiary were not compliance in 48 audits (36%) and generally compliant in an additional 22 audits (16%). Beneficiaries were determined to be compliant in 65 audits (48%). Recommended fund recoveries for those audits where problems were identified total over \$17 million.

OIG Audits Using Internal Resources

The FCC OIG has completed thirteen (13) audits that we initiated during fiscal year 2002 using auditors detailed from the Commission's Common Carrier Bureau (since reorganized as the Wireline Competition Bureau). For these thirteen (13) audits, we concluded that applicants were compliant with program rules in five (5) of the audits, that applicants were generally compliant in two (2) of the audits, and that the applicants were not compliant with program rules in six (6) of the audits. We have recommended recovery of \$1,794,792 as shown below:

<u>Report Date</u>	<u>Applicant</u>	<u>Conclusion</u>	<u>Potential Fund Recovery</u>
09/11/02	Enoch Pratt Free Library	Compliant	\$0
02/03/03	Robeson County Public Schools	Compliant	0
02/05/03	Wake County Public Schools	Compliant	0
08/27/03	Albemarle Regional Library	Compliant	0

12/22/03	St. Matthews Lutheran School	Not Compliant	136,593
12/22/03	Prince William County Schools	Generally Compliant	5,452
12/22/03	Arlington Public School District	Generally Compliant	7,556
03/24/04	Immaculate Conception School	Not Compliant	68,846
04/06/04	Children's Store Front School	Not Compliant	491,447
05/19/04	St. Augustine School	Not Compliant	21,600
05/25/04	Southern Westchester BOCES	Compliant	0
06/07/04	United Talmudical Academy	Not Compliant	934,300
08/12/04	Annunciation Elementary School	Not Compliant	<u>129,003</u>
			<u>\$1,794,797</u>

Audits Conducted by Other Federal Offices of Inspector General

On January 29, 2003, the FCC OIG and USAC executed a Memorandum of Understanding (MOU) with the Department of the Interior (DOI) OIG. The MOU is a three-way agreement among the Commission, DOI OIG, and USAC for reviews of schools and libraries funded by the Bureau of Indian Affairs and other universal service support beneficiaries under the audit cognizance of DOI OIG. Under the agreement, auditors from the Department of the Interior perform audits for USAC and the FCC OIG. In addition to audits of schools and libraries, the agreement allows for the DOI OIG to consider requests for investigative support on a case-by-case basis. We have issued two (2) final audit reports under this MOU, three (3) draft audit reports, and have completed fieldwork on two (2) additional audits. For the audit where we determined that the applicant was not compliant, we have recommended recovery of \$2,084,399. A summary of completed audits is as follows: